

Order Discharging Order to Show Cause; Granting Extension of Time
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1 8/13/10.” The summons was issued on May 4, 2010. (Doc. No. 10.) The summons directed
2 Defendants to serve an answer or a motion on Plaintiff within 21 days after service of the
3 summons. Regardless of when counsel appeared on behalf of Defendants, Defendants were
4 required to respond within 21 days after service. Unfortunately, the Court cannot determine
5 when Defendants were actually served, though it appears unlikely that service was not executed
6 on Defendants for more than two months after the summons issued.

7 Nevertheless, because it appears that Plaintiff will not be prejudiced if Defendants submit
8 a dispositive motion later than the initial deadline, the Court will accept counsel’s response and
9 discharge the Order to Show Cause. In the future, counsel is advised that the correct practice is
10 to file a motion for an extension of time on or before the deadline date, instead of “anticipat[ing]
11 requesting a new deadline once they got a sense of how long it would take to complete all those
12 activities necessary to file a dispositive motion.”

13 Moreover, despite Defendants’ failure to formally request an extension of time to file a
14 dispositive motion, the Court also construes Defendants’ response as a request for an extension
15 of time. So construed, Defendants’ request for an extension of time to file a dispositive motion
16 is GRANTED. Defendants shall file their dispositive motion on or before **December 3, 2010**.
17 Plaintiff shall file his opposition within **thirty (30) days** from the date the motion is filed.
18 Defendants shall file their reply **fifteen (15) days** thereafter.

19 IT IS SO ORDERED.

20 DATED: 10/1/2010

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LUCY H. KOH
22 United States District Judge
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